

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREGORY RALEIGH,

Plaintiff,

v.

DAVID S. FINNERTY, et al.,

Defendants.

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Civil Action No. 17-cv-11437-ADB

ORDER

BURROUGHS, D.J.

On September 25, 2018, a jury returned a verdict in favor of Defendants on plaintiff Gregory Raleigh's claim that two Massachusetts Bay Transportation Authority police officers used excessive force against him. Plaintiff, who was represented by counsel through trial, has filed a *pro se* notice of appeal [ECF No. 56] and motion to appeal *in forma pauperis* [ECF No. 57]. For the reasons set forth below, the Court will deny the motion to appeal *in forma pauperis*.

Under the Federal Rules of Appellate Procedure, a person moving for leave to appeal *in forma pauperis* must attach to his motion an affidavit that "(A) shows in the detail prescribed by Form 4 of the Appendix of Forms [to the Federal Rules of Appellate Procedure] the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." Fed. R. App. P. 24(a)(1).

Raleigh has filed an affidavit of indigency that is used in the Massachusetts state court. This form does not elicit the more detailed financial information required under Rule 24(a)(1) of the Federal Rules of Civil Procedure. Further, Raleigh did not include with the motion to appeal

in forma pauperis a statement of the issues he intends to present on appeal. Without this information, the Court cannot grant the petitioner's motion to appeal *in forma pauperis*.

Accordingly:

(1) The motion to appeal *in forma pauperis* is DENIED. If Raleigh still wants to pursue *in forma pauperis* status on appeal, he may, within thirty (30) days, file a new motion for leave to appeal *in forma pauperis* with the United States Court of Appeals for the First Circuit.

See Fed. R. App. P. 24(a)(5).¹

(2) The Clerk is directed to send Raleigh a copy of the form financial affidavit used by the United States Court of Appeals for the First Circuit.

(3) The Clerk is directed to transmit a copy of this order to the United States Court of Appeals for the First Circuit.

SO ORDERED.

October 10, 2018

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE

¹ Rule 24 of the Federal Rules of Appellate Procedure provides:

A party may file a motion to proceed on appeal *in forma pauperis* in the court of appeals within 30 days after service of the notice [of the district court's order denying the motion to appeal *in forma pauperis*]. The motion must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

Fed. App. P. 24(a)(5).